

U.S. Patent Application No. 10/053,777  
Art Unit: 2157

Docket No: 2000-0056

### REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

By this amendment, claims 1, 2-8, 11-13 and 15-21 are now pending, claims 1, 4, 7, 12, 15 and 16 having been amended, claims 3, 9, 10 and 14 having been canceled without prejudice or disclaimer, and claims 17-21 having been added.

#### Rejection of Claims 1, 7 and 12

On page 2 of the outstanding Office Action, the Examiner rejected claims 1, 7 and 12 under 35 U.S.C. 102(b) as allegedly being anticipated by UK Patent Application GB 2183880 A to Montgomery. Applicant submits that the amendments to claims 1, 7 and 12 obviate the rejection.

Amended independent claim 1 is directed to a device for use in a network. The device includes, among other things, a processor to decode and display on a display device speech information as text in a form of words upon receipt of speech information from the network.

Montgomery discloses a speech translator for deaf people. Montgomery discloses decoding and displaying speech information as phonemes or symbolic text (see Montgomery, at col. 1, lines 105-124, and Fig. 2). Montgomery fails to disclose a processor to decode and display on a display device speech information as text in a form of words upon receipt of speech information from the network, as required by claim 1.

Because Montgomery does not disclose each and every feature of amended claim 1, Applicants submit that claim 1 is not anticipated by Montgomery and respectfully request that the rejection of claim 1 be withdrawn.

Amended independent claims 7 and 12 each recite a feature similar to the previously discussed feature of claim 1. Applicants submit that claims 7 and 12 are not anticipated by

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Montgomery for reasons similar to those provided with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claims 7 and 12 be withdrawn.

**Rejection of Claims 2, 8 and 13**

On page 5 of the Office Action, the Examiner rejected claims 2, 8 and 13 under 35 U.S.C. 103(a) as allegedly being unpatentable over Montgomery in view of U.S. Patent 6,107,935 to Comerford et al. ("Comerford"). Applicants respectfully traverse the rejection.

Claim 2 depends from claim 1 and further recites that the processor further includes a speech analyzer that recognizes an incoming voice pattern based on information stored in a memory. On page 5 of the Office Action, the Examiner admitted that Montgomery fails to disclose or suggest this feature. The Examiner relied on Comerford to disclose this feature. On page 5 of the Office Action, the Examiner asserted that the suggestion or motivation to combine Montgomery with Comerford is "... because it is well known in the art at the time of the invention for the purpose of accurately identifying a speaker of an utterance, which is of particular value to a deaf user." Applicants disagree with the suggestion or motivation provided by the Examiner and submit that there is no suggestion or motivation to combine the references.

First, Applicants note that the MPEP explicitly states that even though the modifications in the prior art would have been "well within the ordinary skill in the art at the time the claimed invention was made", this statement is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. This objection reason does not exist in this case. MPEP 2143.01.

Turning to the references, Montgomery relates to a device by which a deaf person can carry on a conversation with another person (see Montgomery, at page 1, lines 54-57, and Figs 1 and 2). Montgomery also discloses a second application by which a deaf user and another person may carry on a "face-to-face conversation" (see Montgomery, at page 2, lines

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122-129). Applicants submit that Montgomery discloses only implementations of the invention that are used for communications between only two people.

Comerford relates to systems and methods for selectively permitting access by a requesting speaker to a service or a facility (see Abstract). Thus, Comerford discloses using speaker recognition in order to determine whether to permit the speaker to have access to the facility or the service.

Applicants submit that because Montgomery discloses using a device to carry on a conversation between only two people, there would be no need, and therefore, no motivation to combine the references to provide a device that performs speaker recognition or identification. When using the invention of Montgomery, each user would recognize their own portion of the conversation displayed on a display device. Further, each person would know that the conversation is with only one other person and that any conversation that is displayed in symbolic text that did not originate from the speaker, must be from the one and only other party.

For at least the above-mentioned reasons, Applicants submit that one of ordinary skill in the art would not be motivated to combine Montgomery with Comerford and therefore, claim 2 is patentable over Montgomery in view of Comerford. Applicants respectfully request that the rejection of claim 2 be withdrawn.

Because there is no motivation to combine Montgomery with Comerford, Applicants submit that claims 8 and 13 are patentable over Montgomery in view of Comerford and respectfully request that the rejection of claims 8 and 13 be withdrawn.

#### **Rejection of Claim 4**

On page 8 of the Office Action, the Examiner rejected claim 4 under 35 U.S.C. 103(a) as allegedly being unpatentable over Montgomery, in view of Comerford and further in view of Published U.S. Patent Application 2002/0161579 A1 to Saindon et al.

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("Saindon"). Applicants respectfully traverse the rejection. Claim 4 was amended only to correct improper antecedent basis. Applicants submit that the scope of amended claim remains unchanged.

Claim 4 depends from claim 1 and further recites that a subscriber terminal includes a speech database for storing speech segments identified with certain users, and a processor that accesses the database to identify and display the identity of users according to matches between speech segments received in real time and stored in the database.

On page 8 of the Office Action, the Examiner admitted that Comerford does not disclose or suggest a processor accessing the database to display the identity of users. The Examiner relied on Saindon to disclose or suggest this feature.

Applicants submit that there is no motivation to combine Montgomery with Comerford for at least the reasons provided with respect to claims 2, 8 and 13. Saindon relates to systems and method for converting spoken audio to text and transferring the text to a user (see Saindon, at paragraph [00020]). The speech or text may be translated into other languages. Saindon discloses that the spoken audio may be from a conference or movie (see Saindon, at Figs. 1, 2 and 4). Applicants submit that because more than two parties may be communicating using the invention of Saindon, speaker identification is useful to keep track of who said what. However, Montgomery discloses a system or method by which one person communicates with only one other person. Therefore, as mentioned above with respect to the rejection of claims 2, 8 and 13, a user of the Montgomery system would have no need to identify a speaker. Therefore, one of ordinary skill in the art would not have a motivation to combine Montgomery, Comerford and Saindon.

For at least the above reason, Applicants submit that claim 4 is patentable over Montgomery, in view of Comerford and further in view of Saindon and respectfully request that the rejection of claim 4 be withdrawn.

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#### **Rejection of Claims 3, 9 and 10**

On page 9 of the Office Action, the Examiner rejected claims 3, 9 and 10 under 35 U.S.C. 103(a) as allegedly being unpatentable over Montgomery in view of U.S. Patent No. 6,175,820 to Dietz. Applicants canceled claims 3, 9 and 10 without prejudice or disclaimer thereby making the rejection moot. Therefore, Applicants respectfully request that the rejection of claims 3, 9 and 10 be withdrawn.

#### **Rejection of Claim 15**

On page 11 of the Office Action, the Examiner rejected claim 15 under 35 U.S.C. 103(a) as allegedly being unpatentable over Montgomery, in view of Comerford and further in view of Dietz. Applicants respectfully traverse the rejection. Applicants submit that the amendments to claim 15 were made to make the claim more clear and that the scope of the claim was not narrowed by the amendments.

Amended claim 15 is directed to a method of speech-to-text translation. The method includes, among other things, analyzing speech information to determine identity of a caller based on previously stored speech segments.

Applicants submit that for at least the reasons provided with respect to the rejection of claims 2, 8 and 13, there is no motivation to combine Montgomery with Comerford.

Applicants submit that Dietz does not disclose or suggest analyzing speech information to determine an identity of a caller based on previously stored speech segments, as required by claim 15. Applicants further submit that the combination of Montgomery and Dietz or the combination of Comerford and Dietz, does not disclose or suggest all of the features of claim 15. Therefore, Applicants respectfully request that the rejection of claim 15 be withdrawn.

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#### **Rejection of Claim 14**

On page 13 of the Office Action, the Examiner rejected claim 14 under 35 U.S.C. 103(a) as allegedly being unpatentable over Montgomery, in view of Comerford and further in view of U.S. Patent No. 5,839,109 to Iwamida. Applicants canceled claim 14 without prejudice or disclaimer, thereby making the rejection moot. Therefore, Applicants respectfully request that the rejection be withdrawn.

#### **Rejection of Claim 16**

On page 14 of the Office Action, the Examiner rejected claim 16 as allegedly being unpatentable over Montgomery, in view of Comerford and Iwamida and further in view of Dietz. Applicants respectfully traverse the rejection. Applicants submit that the amendments to claim 16 were for the purpose of clarifying the claimed invention and do not narrow the scope of the claim.

Applicants submit that one of ordinary skill in the art would not be motivated to combine Montgomery and Comerford for at least the reasons provided with respect to claims 2, 8 and 13. The combination of Montgomery, Iwamida and Dietz and the combination of Comerford, Iwamida and Dietz fail to disclose all of the features of claim 16. Therefore, Applicants submit that claim 16 is patentable over Montgomery, in view of Comerford and Iwamida and further in view of Dietz. Therefore, Applicants respectfully request that the rejection of claim 16 be withdrawn.

#### **Rejection of Claims 5, 6 and 11**

On page 15 of the Office Action, the Examiner rejected claims 5, 6 and 11 under 35 U.S.C. 103(a) as allegedly being unpatentable over Montgomery in view of U.S. Patent No. 6,075,842 to Engelke et al. ("Engelke"). Applicants submit that amended claims 1 and 7 obviate the rejection.

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Claims 5 and 6 depend from claim 1, which is directed to a speech-to-text processing device and includes, among other things, a processor to decode and display on the display device speech information as text in a form of words upon receipt of the speech information from the network. As discussed previously, with respect to claim 1, Montgomery discloses converting speech to symbolic text and does not disclose or suggest a processor to decode and display on the display device speech information as text in a form of words upon receipt of the speech information from the network, as required by amended independent claim 1.

Engelke relates to a text enhanced telephony device. The device of Engelke requires a human being to convert spoken words to text (see Abstract and col. 5, lines 13-17) and consequently, does not disclose decoding speech information as text in a form of words. Therefore, Engelke fails to satisfy the deficiencies of Montgomery. Applicants submit that claims 5 and 6 are patentable over Montgomery in view of Engelke and respectfully request that the rejection be withdrawn.

Claim 11 depends from claim 7, which is similar to claim 1. Applicants submit that claim 11, therefore, is patentable over Montgomery in view of Engelke for reasons similar to those discussed with respect to claims 5 and 6. Applicants, therefore, respectfully request that the rejection of claim 11 be withdrawn.

#### **New Claims 17-21**

New claim 17 is similar to amended claim 1 and is patentable for reasons similar to those provided with respect to claim 1. Claims 18-22 depend from claim 17 and are patentable for at least this reason.

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**CONCLUSION**

Having addressed all rejections, Applicants respectfully submit that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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By: /Richard C. Irving/

Correspondence Address:

Samuel H. Dworetsky  
AT&T Corp.  
Room 2A-207  
One AT&T Way  
Bedminster, NJ 07921

Richard C. Irving  
Attorney for Applicants  
Reg. No. 38,499  
Phone: 410-414-3056  
Fax No.: 410-510-1433